UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,331	12/06/2001	John A. Nix	01-1073	3431

7590 12/09/2003	**EXAMINER**

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ART UNIT	PAPER NUMBER
3629	

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 December 2001</u> .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-64</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-64</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6)☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1- 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Reeder (US 5,852,812) in view of Block (US 5,960,416).

Reeder teaches billing method and system for a network, comprising:

As per claims 1, 30, 36, 58 and 64,

a billing component located on a billing client, wherein the billing client contains a

display operable to depict substantially real time billing data (column 6, lines 29-32;

column 6, line 58 – column 7, line 6);

at least one billing server, wherein the billing component provides a

communication means for the billing client and the at least one billing server, wherein

the at least one billing server includes a billing manager and a service manager, and

wherein the at least one billing server monitors communication between the billing client

and a gateway using (column 6, line 58 – column 7, line 6);

at least one database, wherein the billing manager is operable to manage data

between the billing client and the at least one database (column 6, line 58 – column 7,

line 6).

Reeder does teach that said method and system employ the Microsoft Windows

NT operating system (column 4, lines 22-23) known to support security features,

thereby suggesting a secure communications.

However, Reeder does not specifically teach that the communication means for

the billing client is a secured communication means.

Block teaches a method and system for real time subscriber billing at a

subscriber location in an unstructured communication network, wherein communications

with client for billing the client are provided in secure manner (column 33, lines 34-40).

It would have been obvious to one having ordinary skill in the art at the time the

invention was made to modify Reeder to include that the communication means for the

billing client is a secured communication means, because it would enhance the security

of funds transfer, thereby make it more attractive to the customers.

Also, Reeder teaches:

As per claims 2-11, 21-23, 31-33, 41-42, 45-47, 51 and 60-63, said method and

system, further comprising at least one database, a network for linking the billing client

and the billing server wherein said network is a packet-switched network; and wherein

the billing client is a computer that is capable of accessing said network (column 6, lines

29-32; column 6, line 58 – column 7, line 6).

As per claims 12-13, 24, 38-39, 48 and 59, Block teaches said method and

system, comprising a secured communication means for the billing client and the at

least one billing server (column 33, lines 34-40).

As per claims 14 and 40, Reeder teaches that a client downloads a software (column 12, lines 23-24).

However, Reeder does not specifically teach that said downloaded software includes a latest version of said software.

Official notice is taken that it is well known that software is outdated very fast due to rapid development of the computer industry, and needs to be updated frequently.

Therefor, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Reeder and Block to include that said downloaded software includes a latest version of said software, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Reeder and Block would perform the invention as claimed by the applicant with either specifically teaching the latest version of said software, or not.

As per claims 15 and 16, Reeder teaches said method and system, wherein the at least one billing server is an application server (column 6, lines 49-51).

As per claims 17-20, 49-50 and 56-57, Reeder teaches said method and system, wherein the at least one billing server comprises: a billing manager; and a service manager, and wherein the billing manager is operable to manage data between the billing client and at least one database (column 6, line 58 – column 7, line 6).

As per claims 25-28 and 34, Reeder teaches said method and system, comprising a plurality of various servers, including a billing server (column 6, lines 58-61).

However, Reeder does not teach that said billing server includes a primary billing server and a secondary billing server.

Official notice is taken that it is well known in the art to employ redundancy for realability purposes.

Therefor, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Reeder and Block to include that said that said billing server includes a primary billing server and a secondary billing server, because it appears that the claimed features do not distinguish the invention over similar features in the prior art, and the teachings of Reeder and Block would perform the invention as claimed by the applicant with either specifically teaching the primary and secondary billing servers, or not.

As per claims 29 and 35, Reeder teaches said method and system, wherein the at least one database comprises: a rating database containing rate information; a presence database containing network connection information; an account database containing account information; and a service database containing service information (column 2, lines 55-56; column 7, lines 35-39).

As per claims 43 and 44, Block teaches said method and system, wherein the billing server verifies that the billing client is authorized to make the request for the service, and wherein authorization requires account funding for pre-paid accounts, and wherein an end user is operable to fund a pre-paid account, thereby allowing the billing server to authorize the billing client (column 3, lines 34-43; column 10, lines 23-29).

As per claims 37 and 52-55, Block teaches said method and system, wherein

the billing server terminates the service when an end user account is substantially zero

(column 9, lines 6-16).

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure (see form PTO-892).

Any inquiry concerning this communication should be directed to Igor Borissov at

telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Receptionist whose telephone number is (703)

872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:
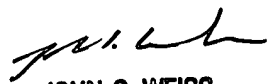
Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 872-9306   [Official communications; including After Final

communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal

Drive, Arlington, VA, 7th floor receptionist.

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TECHNOLOGY CENTER 3600